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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/773,212 | 02/09/2004 | Yoshiya Tomatsu | 118596 | 6750 |
| 25944 | 7590 | 09/13/2005 | EXAMINER | |
| OLIFF & BERRIDGE, PLC | | | GLEITZ, RYAN M | |
| P.O. BOX 19928 | | | ART UNIT | PAPER NUMBER |
| ALEXANDRIA, VA 22320 | | | 2852 | |

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/773,212 | TOMATSU, YOSHIYA <i>(initials)</i> | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6,10-13,17-22 and 26-29 is/are rejected.
- 7) Claim(s) 7-9,14-16,23-25 and 30-32 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 July 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/9/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 11-13, 19, and 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 19, which depend on claims 1 and 17, further recite “a first conveyance roller”. However, the first conveyance roller is the conveyance member, which has already been recited in claims 1 and 17.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 17, 18, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakurai (US 4,580,033).

Sakurai discloses a fixing member (1) disposed to be in contact with a fixation medium (P); a pressuring member (2) disposed to face the fixing member (1) and configured to press the fixation medium (P) against the fixing member (P).

Paper discharge rollers (20, 21) are a conveying unit configured to convey the fixation medium (P) that has passed through between the fixing member (1) and the pressuring member

(2). Roller (21) is a conveyance member configured to convey the fixation medium, and configured to be in contact with the fixation medium on a surface that is opposite to a surface where the fixing member contacts with at a position that is downstream of the fixing member with respect to a conveyance direction of the fixation medium and is upstream of a conveyance position where the conveyance unit conveys the fixation medium. Note that the fixing member must contact conveyance member (21) before it enters conveyance position, and that point will be upstream of the conveyance position.

A guide member, including pawl (5b) and the portion to the left of the pawl having no reference number, is disposed to face the conveyance member (21) and configured to guide the fixation medium (P) to the conveyance position.

Regarding claim 6, figure 1 illustrates the guide member is disposed along a direction of a line that intersects with a tangential line of the fixing member (1) at a contact portion where the fixing member (1) contacts the pressuring member (2).

Regarding claims 17, 18, and 22, fixing device is located in an image forming apparatus having an image forming section.

Claims 1, 2, 5, 6, 10, 17, 18, 21, 22 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Pawlik et al. (US 6,002,913).

Pawlik et al. disclose a fixing member (12) disposed to be in contact with a fixation medium (S); a pressuring member (14) disposed to face the fixing member and configured to press the fixation medium (S) against the fixing member (12); a conveying unit (30) configured to convey the fixation medium (S) that has passed through between the fixing member (12) and

the pressuring member (14); a conveyance member (34) configured to convey the fixation medium (S), and configured to be in contact with the fixation medium on a surface that is opposite to a surface where the fixing member contacts with at a position that is downstream of the fixing member (12) with respect to a conveyance direction of the fixation medium and is upstream of a conveyance position where the conveyance unit conveys the fixation medium.

Baffle (20) is a guide member disposed to face the conveyance member (30) and configured to guide the fixation medium to the conveyance position.

Regarding claim 5, figure 1 shows that a part of the conveyance member (36) is disposed on a line connecting the conveyance position and a contact portion where the fixing member (12) contacts the pressuring member (14).

Regarding claim 6, the guide member (20) is disposed along a direction of a line that intersects with a tangential line of the fixing member at a contact portion where the fixing member (12) contacts the pressuring member (14).

Regarding claim 10, a contact portion of the conveyance member where the conveyance member contacts the fixation medium is deformable and made or porous silicone (col. 5, lines 8-9), which reads on made of elastic material, and a contact portion of the guide member where the guide member contacts the fixation medium is made of metal material, as shown by the cross hatching in figure 1.

Regarding claims 17, 18, 21, 22 and 26, fixing device is located in an image forming apparatus having an image forming section.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 11, 19, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai (US 4,580,033) in view of Nakagawa et al. (US 5,258,815).

Sakurai discloses the fixing device above, but does not disclose at least three conveyance rollers.

However, Nakagawa discloses a similar fixing device including a first conveyance roller (16b) and a plurality of second conveyance rollers (16a, 17) disposed along the conveyance direction of the fixation medium, and each disposed to face the first conveyance roller (16a) to support and convey the fixation medium.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the fixing device of Sakurai with the plurality of secondary conveyance rollers taught by Nakagawa et al. to correct the curl of the paper. See abstract.

Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai (US 4,580,033) in view of Sawai (JP 05-273881)

Sakurai discloses the fixing device above, but does not disclose a plurality of pressuring members.

However, Sawai discloses a similar fixing device including first (10) and second (11) pressure rollers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the fixing device of Sakurai with the plurality of pressure rollers taught by Sawai to obtain a wide nipping width without making the pressure force high and to avoid paper jamming. See abstract, lines 1-4.

Allowable Subject Matter

Claims 7-9, 14-16, 23-25, and 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 12, 13, 28, and 29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Other Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yoda et al. (US 5,893,019) disclose a fixing device having a conveyance unit and a plurality of pressuring members.

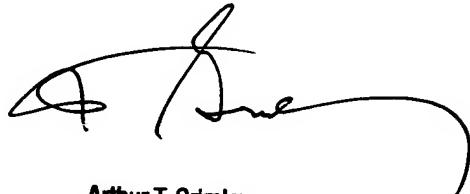
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rg



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